

**City Planning Commission Meeting**  
**Tuesday, April 24, 2018**

**Public Hearing Deadline:** 05/21/18  
**CPC Deadline:** 07/20/18  
**CC Deadline:** None  
**City Council Districts:** All

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**2018 SHORT TERM RENTAL STUDY PUBLIC HEARING REPORT**

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**To:** City Planning Commission

**From:** Robert Rivers, Executive Director  
Paul Cramer, Planning Administrator

**Prepared by:** Nicholas Kindel

**Date:** April 17, 2018

**I. GENERAL INFORMATION:**

**Applicant:** City Council Motion M-18-86

**Request:** The motion requests the City Planning Commission to conduct a public hearing and study on the existing Short Term Rental regulations in the Comprehensive Zoning Ordinance, and the correlating requirements in the City Code, to determine if any modifications are warranted, and to recommend changes that better guide the regulations. The CPC shall analyze the existing regulations as well as other regulations in similarly positioned cities to guide potential amendments, which may include but are not limited to: block face maximums, spacing requirements, density caps, licensure caps, homestead exemptions, definitions, use permissions, use standards, fees, compliance standards, and enforcement mechanisms.

**Location:** The 2018 Short Term Rental Study would apply to properties citywide.

**Description:** The City Planning Commission was directed to conduct a study on the existing Short Term Rental regulations and to recommend changes to better guide the regulations. The City Planning Commission was directed to conduct the public hearing within sixty (60) days of the passage of the motion, and to complete the study within one hundred twenty (120) days of the passage of the motion.

**Why is this Public Hearing required?**

City Council Motion M-18-86 requires the City Planning Commission conduct a public hearing within 60 days of the passage of the motion.

## **II. BACKGROUND INFORMATION**

### **A. What is the scope of work for the Short Term Rental Study from City Council Motion M-15-86?**

City Council adopted Motion M-18-86 on March 22, 2018. The scope of the Short Term Rental Study is outlined in the motion that directs the City Planning Commission to conduct the study. The City Council directs the City Planning Commission to conduct a public hearing and study on the existing Short Term Rental regulations in the Comprehensive Zoning Ordinance, and the correlating requirements in the City Code, to determine if any modifications are warranted, and to recommend changes that better guide the regulations. The CPC shall analyze the existing regulations as well as other regulations in similarly positioned cities to guide potential amendments, which may include but are not limited to:

- block face maximums,
- spacing requirements,
- density caps,
- licensure caps,
- homestead exemptions,
- definitions,
- use permissions,
- use standards,
- fees,
- compliance standards, and
- enforcement mechanisms.

City Council Motion M-18-86 grants the City Planning Commission and its staff the flexibility to expand the scope of the study to make any and all legal and appropriate recommendations deemed necessary in light of the study, review, and public testimony resulting from the motion.

### **B. What are the current regulations for Short Term Rentals in the Comprehensive Zoning Ordinance?**

The Comprehensive Zoning Ordinance (CZO) provides land use regulations for short term rentals. The Short Term Rental regulations in the CZO were adopted by City Council in Ordinance No. 27,209 MCS (ZD 061/16) on December 7, 2016, and the regulations went into effect on April 1, 2017. There are the following three different types of short term rentals:

- Accessory Short Term Rentals are for owner-occupied dwellings, where either the property owner rents out up to three bedrooms in his or her dwelling unit or rents out the other half of a two-family dwelling.
- Temporary Short Term Rentals are any dwelling unit that can be rented out on a short term basis up to 90 days per year.

- Commercial Short Term Rentals are dwelling units in nonresidential districts where there is a limit of 5 guest rooms but no limit on the number of nights per year.

The definitions, use standards, and permitted and conditional zoning districts for short term rentals in the Comprehensive Zoning Ordinance are below:

*Definitions (Article 26)*

Here are the definitions for short term rentals and the three specific types of short term rentals from the Comprehensive Zoning Ordinance:

**Short Term Rental.** Rental of all or any portion thereof of a residential dwelling unit for dwelling, lodging or sleeping purposes to one party with duration of occupancy of less than thirty (30) consecutive days. Hotels, motels, bed and breakfasts, and other land uses explicitly defined and regulated in this ordinance separately from short term rentals are not considered to be short term rentals. Common bathroom facilities may be provided rather than private baths for each room. A short term rental is further defined as follows:

- A. Short Term Rental, Accessory.** Either (i) an owner occupied dwelling with a principal use as a permanent dwelling unit and which rents no more than three (3) guest rooms and six (6) total guests for overnight paid occupancy as an accessory use, or (ii) an owner-occupied two-family dwelling in which one unit of the two-family dwelling is occupied by the owner with a principal use as the owner's permanent residential dwelling unit and which the other unit of the two-family dwelling is rented with no more than three (3) guest rooms and six (6) total guests as an accessory use. Only one accessory short term rental shall be permitted in any two-family dwelling. For either type of accessory short term rental, the owner shall occupy the unit and be present during the guest's stay.
- B. Short Term Rental, Temporary.** A residential dwelling which rents the entire unit with no more than five (5) guest rooms for overnight paid occupancy as a temporary use not to exceed ninety (90) days per year, except in the Vieux Carre, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River, where Temporary Short Term Rentals shall be prohibited. No owner or resident is required to be present during the guest's stay.
- C. Short Term Rental, Commercial.** An entire dwelling unit in a non-residential district that rents no more than five (5) guest rooms for overnight paid occupancy.

*Use Standards (Article 20)*

The use standards for Commercial Short Term Rentals are found in **Article 20** and listed below. The use standards for Accessory Short Term Rentals are in found in **Article 21, Section 21.6 Accessory Structures and Uses** and the use standards for Temporary Short

Term Rentals are found in in **Article 21, Section 21.8 Temporary Uses**, both of which are in **Article 21**. The Commercial Short Term Rental use standards are listed below:

### **20.3.LLL SHORT TERM RENTALS**

#### **20.3.LLL.1 SHORT TERM RENTALS GENERAL STANDARDS**

- a. In addition to the regulations below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
- b. All short term rentals shall require a license. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and occupancy limit.
- c. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
- d. Only one party of guests shall be permitted per short term rental unit.
- e. There shall be an in-town property manager if the owner or operator is out of town during the time of the rental.
- f. Short term rentals shall be considered dwelling units for density purposes and subject to the minimum lot area per dwelling unit requirement of the applicable zoning district.

#### **20.3.LLL.2 SHORT TERM RENTAL, COMMERCIAL STANDARDS**

- a. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
- b. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and occupancy limit.
- c. Up to five (5) bedrooms may be rented to guests and occupancy shall be limited to two (2) guests per bedroom with a maximum ten (10) guests.
- d. No signs are allowed for a Commercial Short Term Rental.

#### ***Accessory and Temporary Use Standards (Article 21)***

The use standards for Accessory Short Term Rentals are in found in **Article 21, Section 21.6 Accessory Structures and Uses** and the use standards for Temporary Short Term Rentals are found in in **Article 21, Section 21.8 Temporary Uses**

## **21.6.II ACCESSORY SHORT TERM RENTALS**

### **21.6.II.1 SHORT TERM RENTALS GENERAL STANDARDS**

- a. In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
- b. All short term rentals shall require a license. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all period of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and occupancy limit. But in no event shall any Accessory Short Term Rental license be issued in the Vieux Carre, the area generally bounded by: Iberville St., N. Rampart St., Esplanade Ave., and the Mississippi River.
- c. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
- d. Only one party of guests shall be permitted per short term rental unit.
- e. The short term rental shall appear outwardly to be a residential dwelling.
- f. Use of the short term rentals for commercial or social events shall be prohibited.
- g. The short term rental shall not adversely affect the residential character of the neighborhood.
- h. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.
- i. Proof of ownership shall be required via a valid homestead exemption.

### **21.6.II.2 SHORT TERM RENTAL, ACCESSORY STANDARDS**

- a. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
- b. For partial unit accessory short term rentals, only a portion of the dwelling shall be rented, which shall be limited to three (3) guest bedrooms, and occupancy shall be limited to two (2) guests per bedroom or six (6) guests total. There shall be at least one bedroom for the fulltime owner-occupant.
- c. For partial unit accessory short term rentals, the owner shall occupy the unit and be present during the party's stay.
- d. For all Accessory Short Term Rentals, proof of owner occupancy shall be required with a homestead exemption.
- e. Where the accessory short term rental occupies one unit of a two-family dwelling, occupancy shall be limited to two (2) guests per bedroom for a total of up to six (6) guests.
- f. No signs are allowed for an Accessory Short Term Rental.

[...]

## **21.8.C PERMITTED TEMPORARY USES**

**Table 21-3: Permitted Temporary Uses**

<b>PERMITTED TEMPORARY USE</b>	<b>DISTRICT</b>	<b>TIMEFRAME</b>	<b>HOURS OF OPERATIONS</b>	<b>TEMPORARY USE STANDARDS</b>
[...]				
Short Term Rental, Temporary	Any Zoning District where dwelling units are permitted	Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carre, the area generally bounded by: Iberville Street, N. Rampart Street, Esplanade Avenue, and the Mississippi River, where Temporary Short Term rentals shall be prohibited.		Section 21.8.C.14
[...]				

[...]

**21.8.C.14 SHORT TERM RENTAL, TEMPORARY**

**21.8.C.14.a SHORT TERM RENTAL GENERAL STANDARDS**

1. In addition to the use standards below, all short term rentals shall comply with the regulations of the Department of Safety and Permits and the Department of Finance, Bureau of Revenue.
2. All short term rentals shall require a license.
3. The license shall be prominently displayed on the front facade of the property in a location clearly visible from the street during all periods of occupancy and contain the license number, the contact information for the owner or in-town property manager, the license type (Temporary, Accessory, or Commercial) and the bedroom and occupancy limit.
4. Short term rentals shall not be operated outdoors, in an accessory structure, or in a recreational vehicle.
5. Only one party of guests shall be permitted per short term rental unit.
6. The short term rental shall appear outwardly to be a residential dwelling.
7. For temporary short term rentals, there shall be an in-town property manager available at all times if the owner or operator is out of town during the time of the rental.
8. Use of the short term rentals for commercial or social events shall be prohibited.
9. The short term rental shall not adversely affect the residential character of the neighborhood.

10. The short term rental shall not generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence.
11. If renter occupied and operated, proof of the property owner's consent and signature on the license application shall be required.
12. If renter occupied, the operator shall provide a current rental lease.

**21.8.C.14.b SHORT TERM RENTAL, TEMPORARY STANDARDS**

1. A short term rental license shall be secured prior to operation; and short term rental operators shall comply with all applicable license requirements provided in the Code of the City of New Orleans.
2. Rentals shall be limited to a maximum of ninety (90) days per year, except in the Vieux Carre, the area generally bounded by: Iberville Street, N. Rampart Street, Esplanade Avenue, and the Mississippi River, where Temporary Short Term rentals shall be prohibited.
3. Up to five (5) bedrooms may be rented to guests.
4. Occupancy shall be limited to two (2) guests per bedroom or ten (10) guests, whichever is less.
5. The entire dwelling can be rented and the permanent resident is not required to be present during the party's stay.
6. No signs are allowed for a Temporary Short Term Rental.

***Off-Street Parking and Loading (Article 22)***

The parking requirements for short term rentals depend on the type. As a temporary use, Temporary Short Term Rentals do not have any parking requirements. Accessory Short Term Rentals are required to have the same number of parking spaces as the dwelling unit. Commercial Short Term Rentals are required to have one parking space per 2 guest rooms, which is equivalent to the parking requirement for a bed and breakfast.

**22.4 Required Off-Street Vehicle Parking Spaces**

**22.4.A General Requirements**

[...]

<b>Table 22-1: Off-Street Vehicle and Bicycle Parking Requirements</b>			
<b>Use</b>	<b>Minimum Required Vehicle Spaces</b>	<b>Minimum Required Bicycle Spaces</b>	
		<b>Required Short-Term Bicycle Spaces</b>	<b>Percentage of Long-Term Bicycle Spaces</b>
[...]			
Short Term Rental, Accessory	see applicable dwelling type		
Short Term Rental, Commercial	1 space per 2 guestrooms	1 per 5 rooms	25%
[...]			

***Permitted and Conditional Uses (Articles 7 to 17)***

Below are the use tables that show the zoning districts where Commercial Short Term Rentals are permitted (“P”), conditional (“C”), and prohibited uses (blank space). Accessory and Temporary Short Term Rentals do not appear in these use tables below because these short term rental types are permitted in a dwelling unit in any zoning district, subject to the definition and use standards for each type.

<b>Use Table: Open Space Districts (Article 7)</b>					
Uses	District				
	OS-N	OS-G	OS-R	NA	GPD
	[...]				
Short Term Rental, Commercial					
	[...]				

<b>Use Table: Rural Development Districts (Article 8)</b>		
Uses	District	
	R-RE	M-MU
	[...]	
Short Term Rental, Commercial		P
	[...]	

<b>Use Table: Historic Core Neighborhoods Residential Districts (Article 9)</b>					
Uses	District				
	VCR-1	VCR-2	HMR-1	HMR-2	HMR-3
	[...]				
Short Term Rental, Commercial					
	[...]				

<b>Use Table: Historic Core Neighborhoods Non-Residential Districts (Article 10)</b>										
Uses	District									
	VCC-1	VCC-2	VCE	VCE-1	VCS	VCS-1	VCP	HMC-1	HMC-2	HM-MU
	[...]									
Short Term Rental, Commercial			P					P	P	P
	[...]									

Use Table: Historic Urban Neighborhoods Residential Districts (Article 11)					
Uses	District				
	HU-RS	HU-RD1	HU-RD2	HU-RM1	HU-RM2
Short Term Rental, Commercial					

Use Table: Historic Urban Neighborhoods Non-Residential Districts (Article 12)			
Uses	District		
	HU-B1A	HU-B1	HU-MU
Short Term Rental, Commercial	C	P <b><u>(P, C<sup>9</sup>)*</u></b>	P <b><u>(P, C<sup>9</sup>)*</u></b>

**Table 12-1 Footnotes**

**<sup>9</sup> Permitted Commercial Short Term Rentals are limited to two (2) on one property; any Commercial STR use greater than two is a conditional use.**

\* Please note the City Council approved a text amendment on April 5, 2018 that would modify the use restrictions in the HU-B1 and HU-MU Districts that would allow two Commercial Short Term Rentals per lot as a permitted use. Additional Commercial Short Term Rentals could be allowed with an approved conditional use. The prior language is shown in ~~strike through~~ and the City Council approved language is shown in **bold and underline**. As of the writing of this report, City Planning Commission has not yet received a final ordinance that has been signed by the Mayor.

Use Table: Suburban Neighborhoods Residential Districts (Article 13)											
Uses	District										
	S-RS	S-RD	S-RM1	S-RM2	S-LRS 1	S-LRS 2	S-LRS 2	S-LRD 1	S-LRD 2	S-LRM 1	S-LRM 2
Short Term Rental, Commercial											

<b>Use Table: Suburban Neighborhoods Non-Residential Districts (Article 14)</b>								
Uses	District							
	S-B1	S-B2	S-LB1	S-LB2	S-LC	S-LP	S-LM	S-MU
[...]								
Short Term Rental, Commercial	P	P	P	P	P	P	P	
[...]								

<b>Use Table: Commercial Center &amp; Institutional Campus Districts (Article 15)</b>									
Uses	District								
	C-1	C-2	C-3	MU-1	MU-2	EC	MC	MS	LS
[...]									
Short Term Rental, Commercial	P	P	P	P	P	P	P		P
[...]									

<b>Use Table: Centers for Industry (Article 16)</b>				
Uses	District			
	LI	HI	MI	BIP
[...]				
Short Term Rental, Commercial			P*	
[...]				

\* Please note that Commercial Short Term Rentals are only permitted in the MI District's Commercial and Recreational Sub-District.

<b>Use Table: Central Business Districts (Article 17)</b>							
Uses	District						
	CBD-1	CBD-2	CBD-3	CBD-4	CBD-5	CBD-6	CBD-7
[...]							
Short Term Rental, Commercial	P	P	P	P	P	P	P
[...]							

### 18.13 RIV RIVERFRONT DESIGN OVERLAY DISTRICT

The recently-approved Riverfront Overlay District prohibits Commercial Short-Term Rentals in Sections 18.13.H.3 – RIV-3 Bywater Sub-District Use Standards and Use Restrictions, and 18.13.I.4 – RIV-4 Marigny Sub-District Use Standards and Use Restrictions.

### **C. What is the timeline for the Short Term Rental Study?**

City Council Motion M-18-86 requires the City Planning Commission to hold a public hearing within 60 days of the passage of the motion and to complete the study within 120 days of the passage of the motion. The significant dates and deadlines for the 2018 Short Term Rental Study are listed below (please note that these date are subject to change):

**March 22, 2018:** Motion M-18-86 was adopted by City Council

**April 24, 2018:** City Planning Commission Public Hearing

**July 2, 2018:** Deadline for written comments

**July 3, 2018:** Staff report for the study will be made available to the public

**July 10, 2018:** City Planning Commission consideration of the study

**July 20, 2018:** Deadline for the study and CPC recommendation to be forwarded to City Council

After the recommendation is forwarded to City Council, the next steps are at the discretion of City Council. Changes to the Comprehensive Zoning Ordinance (CZO) are typically proposed through a City Council motion directing the CPC to consider a text amendment to the CZO. If such a motion is passed by the City Council, the CPC will prepare a staff report, hold a public hearing, and make a recommendation to the City Council. To approve any CZO changes, the City Council will have to hold its own public hearing and approve an ordinance. Any changes to City Code will require a separate ordinance by the City Council.

### **III. How can the public provide input for the Short Term Rental Study?**

Written comments should be addressed to the Executive Director of the City Planning Commission. Written comments can be made on City Planning Commission's website (<https://nola.gov/cpc>) at the following link: <https://nola.gov/city-planning/major-studies-and-projects/2018-short-term-rental-study/public-comment/>

Written comments can also be emailed to [cpcinfo@nola.gov](mailto:cpcinfo@nola.gov) or mailed or hand delivered to the following address:

City of New Orleans  
City Planning Commission  
c/o Executive Director Robert Rivers  
1300 Perdido Street, 7<sup>th</sup> Floor  
New Orleans, LA 70112

All written public comments received will be posted on the City Planning Commission's website on a regular basis. The deadline for all written comments is Monday, July 2, 2018 at 5:00pm.

As deemed necessary to complete the study, the City Planning Commission staff will hold meetings with various individuals and groups to receive additional information. A list of these meetings will be included in the final Short Term Rental Study.

There will also be an opportunity for public comments at the Regular City Planning Commission meeting on Tuesday, July 10, 2018 at 1:30pm. The City Planning Commission will take action on the Short Term Rental Study at that meeting.